

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CLIFTON SOLOMON

Plaintiff

V.

OFFICER BRIAN GRUBER, ET AL.

Defendants

CIVIL ACTION NO. 5:21-cv-00097

ORDER

Plaintiff Clifton Solomon, proceeding *pro se*, filed the above-captioned civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff complains of the actions of two police officers in Lincoln, Nebraska named Brian Gruber and an officer identified as Jones. Docket No. 1 at 5-6. After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for improper venue and failure to state a claim upon which relief may be granted. Docket No. 3. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but was returned with the notation that it was not deliverable and no forwarding address was available. Docket No. 4. To date, Plaintiff has not advised the Court of his current mailing address, nor has he contacted the Court in any way since filing his complaint in August of 2021.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge’s proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021

WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 3) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned civil action is **DISMISSED WITHOUT PREJUDICE** for improper venue and failure to state a claim upon which relief may be granted. A final judgment will be entered in this case in accordance with this Order. It is further

ORDERED that the statute of limitations is **SUSPENDED** for a period of 60 days following the date of entry of final judgment. Such suspension shall not affect any claims upon which limitations had already expired at the time the lawsuit was filed.

So ORDERED and SIGNED this 13th day of April, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE